

## THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Two

AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS AND A DEPARTMENT OF PUBLIC WORKS IN THE CITY OF NORTHAMPTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be in the city of Northampton a board of public works, hereinafter called the board, whose members shall be appointed by the mayor subject to confirmation by the city council; and a department of public works which shall be under the direction and control of the director of public works, hereinafter called the director.

SECTION 2. On the first Monday of the first month following the effective date of this act, and except as otherwise provided in this act, the board shall have all of the duties, responsibilities, powers and functions previously vested in the board of public works by the General Laws, special act, city charter or ordinance.

No contract or liability shall be affected by any revision of the duties of the board but, in all respects, the board shall be the lawful successor of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton.

SECTION 3. The mayor shall appoint the members of the board who shall be registered voters of the city and the appointment shall be subject to confirmation by the city council. The initial board shall be comprised of the membership of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton. The term of each member of the board shall coincide with such members term as a member of the board of public works established under said chapter 389.

The mayor and the city council, by majority vote, may remove any member of the board for cause by written charges proffered by the mayor or any 2 members of the city council. In the event of a vacancy in the board, the mayor shall appoint a registered voter of the city to fill the vacancy for the remainder

of the unexpired term, subject to confirmation by the city council. The members of the board upon its formation shall elect 1 of its members as chairman for the ensuing year, or until his successor is elected and qualified, and thereafter such election shall be held annually in March.

The board shall keep a written record of all of its proceedings. It shall prepare annually and file with the city council a written report of its activities and its recommendations, if any. The board shall establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works, giving priority to the projects in accordance with their necessity and importance, and shall also establish a 5-year public works plan and any further long-range planning it may deem to be in the best interests of the city.

SECTION 4. The director of public works shall be appointed by the mayor to hold office at the pleasure of the mayor.

The director of public works shall be in charge of and have direction and control of the department of public works, and shall cause to be performed all the work of construction, reconstruction, alteration, repair, maintenance and upkeep, and all other work incidental thereto, in accordance with policies, long-range plans, priority of major projects, and capital outlay requirements as may be authorized and established by the board of public works. The director may establish divisions within the department of public works, including but not limited to, those encompassing the following responsibilities: streets; engineering; water; equipment maintenance; administration and purchasing; parks and cemeteries, including recreation grounds.

Each division shall assume management and control as determined by the director. The director, from time to time, after consultation with the board, may combine and consolidate supervision of any of the divisions and, with the approval of the mayor, may establish other divisions. The director may make rules and regulations for the government of the department of public works and divisions thereof, and shall attend to the proper enforcement of the same. The director shall have jurisdiction over the divisions and over each member of each division, and shall after approval by the mayor fix all salaries of the personnel under his jurisdiction within the wage scales established by the mayor. The director shall appoint all employees of the department of public works. The director shall perform all other duties and exercise all other powers as may be lawfully assigned to the department of public works by ordi-

nance of the city council. The director shall have all of the powers and duties previously vested in the city engineer under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, by General Law, special act or ordinance, or which may from time to time be vested in the director.

SECTION 5. Except as otherwise provided in this act, the board shall have all of the powers and responsibilities of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton.

The board shall have the following powers and duties:-

(1) establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works giving priority to the projects in accordance with their necessity and importance;

(2) establish a 5-year public works plan, set other long-range planning it may deem to be in the best interests of the city;

(3) respond to citizen inquiries and conduct public hearings related to planning and policy of the department of public works;

(4) oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to set water and sewer rates, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;

(5) set policies, rules and regulations related to the functions of the department of public works;

(6) issue permits and set fees for all permits assigned by law, ordinance or regulation to the department of public works;

(7) sign and approve all contracts and change orders for goods and services purchased by the department of public works, except for those goods and services purchased pursuant to other city procurement policies;

(8) serve in an advisory capacity to the mayor and city council as follows:-

(i) advise the mayor on decisions related to the department of public works;

(ii) review candidates for the position of director of the department of public works and advise the mayor regarding appointment;

(9) provide advice as requested by the director on water, sewer, street and other city infrastructure issues; and

(10) provide information to the mayor, the city council, city departments and the public on all matters related to the department of public works.

SECTION 6. Except for the director, all persons employed by or under the supervision of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, shall be supervised by the director.

SECTION 7. This act shall take precedence over any provision of the charter or any ordinance of the city of Northampton which is inconsistent with the provisions of this act.

House of Representatives, July 31, 2002.

Passed to be enacted,

*Salvatore F. L. Fran*, Acting Speaker.

In Senate, September 12, 2002.

Passed to be enacted,

*Linda J. Melconian*, Acting President.

Sept. 20<sup>th</sup>

2002.  
4:11 PM  
Approved,

*John S. St*  
Acting Governor.

